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October 1

Austin J. McCaffrey, Commissioner
State Department of Education
State House Annex
Concord, New Hampshire

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CONCORD, N.H.

Dear Mr. McCaffrey:

You have requested an opinion from this office on the question of the authority of the State Board of Education to initiate, supervise and administer a program for the training of practical nurses. I understand that this question has arisen as a result of a grant of Federal funds in which the Board would be authorized to establish such a program.

Under the provisions of RSA 326:18, the Legislature has provided that the Board of Nurse Examiners must approve the establishment of schools for the training of practical nurses, the courses of instruction in connection therewith, and shall provide appropriate examinations before a license to practice as a licensed practical nurse may be issued. In view of this statute it is therefore my opinion that the establishment, supervision and control for the training for practical nurses comes under the immediate supervision of the Board of Nurse Examiners. While the Board itself is appointed by the Commissioner of Education I do not believe that the training of practical nurses is a part of the Board of Education's responsibilities. Rather, the indication seems to be that the Commissioner of Education acts as an advisor to the Board of Nurse Examiners relative to the examination of nurses applying for certificates.

Very truly yours,

Arthur E. Bean, Jr.
Assistant Attorney General

AEB,Jr/T